

TRULINCS 43563069 - VALDES-AYALA, VALENTIN - Unit: GUA-B-A

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SUBJECT: FOR THE RECORD
DATE: 06/29/2021 12:30:21 PM

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO.

UNITED STATES OF AMERICA
PLAINTIFF,

VS.

CASE NO.13-853 (ADC)

VALENTIN VALDES AYALA
DEFENDANT.

CERTIFIED MAIL NO.7008 1300 0001 9786 4411

**EMERGENCY / MOTION
REQUEST MR.VALDES RE-SENTENCING HEARING DAY**

TO THE HONORABLE / JUDGE AIDA M. DELGADO COLON OF THE UNITED STATE DISTRICT COURT
OF PUERTO RICO.

COME NOW defendant VALENTIN VALDES AYALA through his undersigned PRO SE and very respectfully
states and prays as follows:

INTRODUCTION: DKT 306

- 1) HAS ANYONE SEEN MY ATTORNEY, LINDA BACKIEL ?
I THINK SHE'S SUPPOSED TO BE MY ATTORNEY, I'M NOT SURE, BECAUSE I HAVEN'T SEEN HER SINCE
FEBRUARY 2020.
- 2) I HEARD FROM MY SON THAT SHE CAN'T COME SEE ME BECAUSE SHE HASN'T BEEN VACCINATED, BUT THIS
DOESN'T EXPLAIN WHY SHE CAN'T CONTACT ME VIA E-MAIL, LEGAL CALL, LEGAL LETTER, OR BY US POSTAL
SERVICE
TO KEEP ME INFORMED ABOUT MY CASE.
- 3) I'M SURE THAT THIS IS INEFFECTIVE REPRESENTATION BY COUNSEL. THIS IS THE SAME ISSUE I HAD WITH MY
TWO PREVIOUS ATTORNEYS, AND NOW SHE MAKES THE THIRD.
- 4) LCDO.NICOLÁS NOGUERAS MY FIRST ATTORNEY LEFT A NINE MONTH GAP FROM THE TIME HE SAW ME AND MY
COURT DATE AND NEVER USED THIS PRECIOUS TIME TO SHOW ME MY DISCOVERY AND REQUEST MY
SUPPRESSED EVIDENCE,NOR THE JECK MATERIAL,THE JURY INSTRUCTION AND OF ANOTHER MORE ISSUES.
IT WAS BROUGHT FORTH AFTER STARING MY TRAIL. LCDO.JOSE R.GAZTAMBIDE THE SECOND ATTORNEY
SUBMITTED A MOTION WITH THE PREPOSTEROUS CLAIM THAT I WOULD PREFER GUEDELINE LEVEL 30 TO
GUEDELINE LEVEL 24. WHAT SANE PERSON WOULD DO SUCH A THINK.

(THE SCENE NOW SET, IT'S TIME TO DIVE INTO THE SEVERAL CLAIM OF ERROR VALDES RAISES ON APPEAL)

* THE TRIAL EVIDENCE AGAINST HIM FOR FOR BANKRUPTCY FRAUD, WIRE FRAUD, AND AGGAVANTED
IDENTITY TEFT WA INSUFFICIENT. BECAUSE WAS 18 U.S.C. 401 CONTEMPT OF COURT (CIVIL CONTEMPT).
IS NOT 18 U.S.C. 402 (CRIMINAL CONTEMPT OR INFRACTION) PRESEDENT CASE.

* THE GOVERNMENT EFFECTED A CONSTRUCTIVE AMENDMENT OR PERJUDICIAL VARIANCE IT OF BANKRUPTCY FRAUD INDICMENT BY THE EVIDENCE IT CHOSE TO PRESENT AND BY ITS ARGUMENTS AT THE EN OF THE TRIAL.

* THE JURY INSTRUCTION FOR BANKRUPTCY FRAUD AND AGGRAVATED IDENTITY THEFT WERE EITHER WRONG OR DEFICIENT.

* IN AUGUST 15, 2018 THE COURT OF APPEALS FOR THE FIRST CIRCUIT OF BOSTON AND THE THREE (3) JUDGE, HOWARD CHIEF JUDGE, THOMPSON AND BARRON, DETERMINED IN MY CASE THAT THE DISTRICT JUDGE USED THE WRONG VERSION OF THE UNITED STATES SENTENCING COMMISSION'S GUIDELINES MANUAL, RESULTING IN TOTAL OFFENSE LEVEL THAT WAS SIX POINTS HIGHER THAN IT SHOULD HAVE BEEN. BECAUSE THE SENTENCING HEARING

OCCURRED AFTER THE 2015 GUIDELINES MANUAL TOOK EFFECT (ON NOVEMBER 1, 2015), VALDES ASSERTS THE DISTRICT JUDGE SHOULD HAVE SENTENCED VALDES UNDER THE AMENDED GUIDELINES. WHILE THE DISTRICT JUDGE CLAIMED TO USE THE NOVEMBER 1, 2015 GUIDELINES MANUAL TO CALCULATE THE APPLICABLE OFFENSE LEVEL, IT DECIDEDLY DID NOT AND THE GOVERNMENT CONCEDES THE ERROR. (EX POST FACTO CASE).

MY CASE IS SIMILAR EX PARTE BAIN 121 U.S. 1 (1887).

NOTE:

* AT THE TIME THAT THE COURT OF APPEALS MADE THE DECISION IN THIS CASE NO. 16-1002 - AUGUST 15, 2018 FOR RE-SENTENCING MR. VALDES, ON THIS DAY JUNE 30, 2021 THIS COURT AND THE JUDGE OF THIS CASE (ADC) HAVN'T CALLED MR. VALDES FOR RE-SENTENCING AND VACATED HIS SENTENCE OF INCARCERATION THE APPEALS COURT SAID.

* THAT IS WHY THE JUDGE OF THIS CASE (ADC) SAID THAT MR. VALENTIN VALDES AYALA WANTS TO REPRESENTED BY HIMSELF. BECAUSE MY ATTORNEYS DON'T DO WHAT THEY'RE SUPPOSED TO DO.

FOR THE RECORD AND FOR MY DOCKET SHEET, I ASK THIS HONORABLE JUDGE AIDA M. DELGADO COLON TO GRANT ALL OF MY PRO SE MOTIONS INCLUDE ALL MY 48 EXHIBITS AND AROUND 1,000 DOCUMENTS THAT MR. VALDES INTRODUCED IN FEBRUARY 2020 AND HON. JUDGE (ADC) IS IN POSSESSION OF THOSE DOCUMENTS. THE JUDGE HAS THE POWER TO DO THIS AND HAS YET TO SO. PLEASE INTRODUCE ALL MY EXHIBITS IN MY DOCKET SHEET.

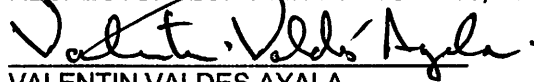
ABOUT ALL THIS ARGUMENT I HAVE NO CONFIDENCE IN MY ATTORNEY DOING ANYTHING ON MY BEHALF.

PS.

MR. VALENTIN VALDES AYALA IS NOT A CRIMINALLY MINDED MAN. HE IS FEDERAL CHAPLAIN, PLEASE DO NOT OBSTRUCT THE JUSTICE AND THE MISSION THAT GOD PUT ON THE HANDS OF THIS MAN, AND HIS MINISTRY.

THANK YOU.

RESPECTFULLY SUBMITTED JUNE 30, 2021 IN (MDC) GUAYNABO PR. 00963-2005



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